

LISA BERNARD vs FAYETTEVILLE STATE UNIVERSITY
Lisa Bernard on 02/27/2025

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE EASTERN DISTRICT OF NORTH CAROLINA
3 WESTERN DIVISION
4 CIVIL ACTION NO: 5:24-cv-219

4 LISA BERNARD,)
5)
6 Plaintiff,)
7)
8 v.)
9)
10 FAYETTEVILLE STATE)
11 UNIVERSITY,)
12)
13 Defendant.)
14)
15)

16 DEPOSITION OF LISA BERNARD

17 (Taken by Defendant)

18 Spring Lake, North Carolina

19 Thursday, February 27, 2025

20
21
22
23 Reported in Stenotype by
24 Diane Pressley, Shorthand Reporter
25 Transcript produced by computer-aided transcription

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17 ALSO PRESENT:

18 BENITA POWELL
19 JOSEPH BATES

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1 DEPOSITION OF LISA BERNARD, a witness called on behalf
2 of Plaintiff, before Diane Pressley, Notary Public, in
3 and for the State of North Carolina, at the Spring Lake
4 Community Library, 101 Laketree Boulevard, Spring Lake,
5 North Carolina, on Thursday, February 27, 2025,
6 commencing at 10:00 a.m.

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1 LISA BERNARD,
2 having been first duly sworn, was examined and
3 testified as follows:

4 EXAMINATION

5 BY MR. LINDSLEY:

6 Q. Good morning.

7 A. Good morning.

8 Q. My name is Jeremy Lindsley. I'm an
9 attorney with the North Carolina Department of
10 Justice, and I represent Fayetteville State
11 University.

12 We have some other folks in the room with
13 us this morning: Kimberley Potter is also with the
14 Department of Justice, and Angel is with the
15 University, and Joe is also with the University?

16 A. Okay. Thank you.

17 Q. Sure.

18 And I guess you know the people on your
19 side of the table.

20 A. Yes.

21 Q. Okay. So I'm sure that Joe has explained
22 to you the reason for our meeting today. But just
23 to be clear, I've asked you to be here this morning
24 so I can take your deposition, and that means I'm
25 just going to ask you some questions about yourself

1 and about the lawsuit that you filed against
2 Fayetteville State, okay?

3 A. Yes.

4 Q. Okay. As we go along today there are some
5 sort of ground rules, if you will, that I'd like to
6 just mention before we get into things, okay?

7 First thing is, of course, you're under
8 oath just like you would be in court. Your
9 testimony here, your answers to the questions here
10 today are no different than they would be if you
11 were in court, okay?

12 A. Yes.

13 Q. I will do my best to ask one question at a
14 time, okay? If -- if I'm asking you a question I
15 just ask that you wait for me to finish my question
16 before you start to talk.

17 A. Okay.

18 Q. And I'll do my very best to let you finish
19 your answers before I start to talk.

20 A. Yes.

21 Q. And that's going to help our court reporter
22 here get a good, clear record of our conversation
23 because she's trying to take everything down that I
24 say to you and that you say to me, and it's really
25 helpful that we don't talk over one another because

1 I'm sure you want a clear record just like I do.

2 A. Yes.

3 Q. Fair enough?

4 A. Fair.

5 Q. It's also important that you give verbal
6 answers to each of my questions.

7 A. Yes.

8 Q. So please answer by saying yes or no or
9 something else as necessary. And try to avoid just
10 nodding your head or shaking your head because the
11 court reporter can't take down what you're doing,
12 only what you're saying, okay?

13 A. Clear, yes.

14 Q. Got it.

15 And also try to avoid the "uh-huhs" and
16 "uh-uhs" and please use a yes or no answer since
17 that's more clear, of course, for -- for our record,
18 okay?

19 A. Yes.

20 Q. I'll do my best to ask you clear questions,
21 but if I've asked you something that is not clear or
22 is confusing to you, you're not sure what I'm trying
23 to ask, will you tell me that?

24 A. Yes.

25 Q. All right. I'm more than happy to restate

1 a question or repeat a question as much as you need,
2 okay?

3 A. Okay.

4 Q. I want to make sure that you and I stay on
5 the same page together.

6 A. Yes.

7 Q. Okay.

8 We can take breaks as often as you need,
9 all right?

10 If you need to take a break at any time,
11 just let me know and we'll go ahead and take that
12 break.

13 The only exception is if I've asked you a
14 question I will ask that you answer that question
15 before we take a break.

16 A. Yes.

17 Q. Okay, great.

18 A. Thank you.

19 Q. You're welcome.

20 Have you done anything in preparation for
21 the deposition today?

22 A. Yes.

23 Q. Tell me what you've done.

24 A. I've been in communication with my attorney
25 Budd.

1 Q. Have you done anything else?

2 A. No.

3 Q. You haven't reviewed any documents?

4 A. Yes. Yes, I have reviewed the documents
5 that I received from Attorney Budd's office.

6 Q. Okay. Can you tell me what documents you
7 looked at before today's deposition?

8 A. Yes. Well, it was the -- the deposition
9 questions and answers. The documents that -- that I
10 submitted to my attorney's office.

11 Q. Okay. And you know that your attorney has
12 turned over certain documents that you've provided
13 to us, correct?

14 A. Yes.

15 Q. Okay. And we've given some documents to
16 your attorney, as well, and you've reviewed those?

17 A. Yes.

18 Q. Have you reviewed the complaint that you
19 filed in this case?

20 A. Yes, I have.

21 Q. How about the answers to the written
22 questions that you provided to us, they're called
23 interrogatories?

24 A. Yes.

25 Q. You looked at those before --

1 A. Yes.

2 Q. -- to prepare for today?

3 A. Yes, I prepared for today, yes.

4 Q. And the answers that we provided in writing
5 to your attorney, have you reviewed those in
6 preparation for today?

7 A. Yes.

8 Q. Anything else, any other documents that you
9 reviewed for preparation today?

10 A. No.

11 Q. Other than your attorney, did you talk with
12 anyone about what we're doing here today or about
13 the deposition?

14 A. I just -- I did speak with my daughter
15 prior to this.

16 Q. Okay. What does your daughter do?

17 A. Do?

18 Q. Yeah, what does she do for a living?

19 A. Oh, okay. Right now, she works at Walmart.

20 Q. How old is she?

21 A. She's 37.

22 Q. And her name?

23 A. Sierra Williams.

24 Q. Do you have any problems with remembering
25 things?

1 MR. BUDD: Objection to form.

2 BY MR. LINDSLEY:

3 Q. You can go ahead and answer, it's okay.

4 A. From the best of my knowledge, I mean, I
5 can go and can answer but there are some things that
6 -- that I might not be able to answer.

7 Q. Sure. I understand. I'm just trying to
8 find out if you had -- if you have any issues, any
9 problems with -- with remembering things.

10 MR. BUDD: Objection to form.

11 A. I do not have dementia, so but --

12 BY MR. LINDSLEY:

13 Q. Okay. All right.

14 A. Yeah, this has been a couple of years --

15 Q. Sure, I understand.

16 A. -- that has passed --

17 Q. That I understand.

18 A. -- since this has almost taken place.

19 Q. Right.

20 A. Yep.

21 Q. Yep.

22 I know, you know, a lot of folks don't
23 remember everything that's happened, it's not what
24 I'm asking -- it's not what I'll be asking you to do
25 today.

1 A. Okay.

2 Q. So, I understand.

3 Have you taken any medications today that
4 might impair your ability to hear and understand the
5 questions that I'm asking?

6 A. No, sir.

7 Q. Anything that might -- have you taken any
8 medication that might prevent you answering any
9 questions?

10 A. No, sir.

11 Q. Have you ever been in a deposition like
12 this before?

13 A. Never.

14 Q. Have you ever been involved in any other
15 lawsuits?

16 A. No.

17 Q. So never been a plaintiff like you are in
18 this lawsuit in any other situation?

19 A. No.

20 Q. And never been sued by anybody?

21 A. No.

22 Q. Have you ever made any formal complaints
23 against an employer other than Fayetteville State
24 University?

25 A. No.

1 Q. Are you married?

2 A. No.

3 Q. Have you been?

4 A. No.

5 Q. How many children do you have?

6 I mean, I know you have a daughter, do you
7 have other children?

8 A. I have one.

9 Q. What is your other child's name?

10 A. Well the one is Sierra Williams, the one.

11 Q. Oh, you just have one?

12 A. One.

13 Q. Okay. Misunderstood. Okay. Thank you.

14 Tell me about your educational background
15 starting with any college, you know, after high
16 school, tell me about your education after that.

17 A. Okay. I graduated from Fayetteville State
18 University.

19 Q. What is -- I'm sorry.

20 A. Bachelor's degree.

21 Q. Okay.

22 A. In Business Administration.

23 Q. All right.

24 A. In 2020.

25 I graduated from Fayetteville State

1 University with my master's degree in Business
2 Administration, 2022.

3 Q. All right. Very good.

4 Any other post-high school education?

5 A. No, no, sir.

6 Q. So just those two degrees?

7 A. Yes.

8 Q. Why did you decide to obtain your
9 bachelor's degree?

10 A. Because I wanted to further my education
11 and also having the education is important.

12 Q. And your MBA, what made you decide to do
13 that?

14 A. I wanted to pursue my master's degree for
15 work.

16 Q. Was there something in particular with
17 regard to work that pushed you toward wanting to get
18 your MBA?

19 A. Yes.

20 Q. What was that?

21 A. There are certain positions that you can
22 apply for if you have extended your education.

23 Q. Was there a particular position that you
24 were hoping to or planning to apply for after you
25 obtained your MBA?

1 A. Yes.

2 Q. What position was that?

3 A. Budget Analyst 1 or Budget Analyst 2.

4 Q. When did you start the MBA program?

5 A. I started in 2020.

6 Q. Were there any budget analysts positions at
7 Fayetteville State when you began the MBA program?

8 A. No.

9 Q. Did you -- were you aware of any plans for
10 a budget analyst position being created at
11 Fayetteville State when you started the MBA program?

12 A. Yes.

13 Q. How were you aware of that?

14 A. I was aware of that because my supervisor
15 had re-classed the positions and for those positions
16 to be re-classified.

17 Q. Okay. Can you -- let me dig in on that a
18 little bit.

19 So who was your supervisor at the time that
20 you started the MBA program?

21 A. Okay. That was Ms. Duanna Lawrence.

22 Q. Can you spell that?

23 A. D-U-A-N-N-A.

24 Q. Lawrence --

25 A. Yes.

1 Q. -- is the last name?

2 And Ms. Lawrence, was she creating or had
3 -- had she created a Budget Analyst 1 or Budget
4 Analyst 2 position at the time that you began the
5 MBA program?

6 A. No.

7 Q. Was she making plans to create those
8 positions at the time that you started your MBA
9 program?

10 A. Yes.

11 Q. When you finished the MBA program was
12 Ms. Lawrence still your supervisor?

13 A. No.

14 Q. Who was your supervisor then?

15 A. So Ms. Lawrence was my supervisor until
16 December of 2022.

17 Q. Who became your supervisor after that?

18 A. Actually, Duanna left in January of 2022.

19 Q. January of 2022?

20 A. Yes.

21 Q. Okay. And who was your supervisor after
22 that?

23 A. In March of 2022 my supervisor became
24 Sandra Williams.

25 Q. Okay. I'm going to come back here, but I

1 want to return just -- what we haven't covered is,
2 you know, how you were employed, in what capacity,
3 all of that sort of thing.

4 A. Okay.

5 Q. So I got ahead of myself just a little bit,
6 so we'll take a step back.

7 A. Okay.

8 Q. So, tell me about your work prior to
9 becoming employed at Fayetteville State?

10 A. Prior to Fayetteville State, I --
11 Okay. We're going to go back to two --
12 going back to the year of 2000?

13 Q. Sure.

14 A. I was working for Thomas Jefferson
15 University Hospital.

16 Q. What were you doing at the hospital?

17 A. I was a medical biller.

18 Q. What did that job entail? What exactly
19 were you doing?

20 A. Patients with billing statements would come
21 through the office and my position was to analyze
22 all of the cost provider and for the patient.

23 Q. When you say analyze the cost provider,
24 what do you mean?

25 A. Breaking down the cost that the insurance

1 company, the employer would pay or the patient would
2 pay from their insurance and what the patient would
3 have to pay out of pocket, so those billing
4 statements are some statements that I had to
5 process.

6 **Q. Sure. The statements, would they come to**
7 **you already allocated as far as who needed to pay**
8 **what?**

9 A. Yes.

10 **Q. So you weren't doing those calculations**
11 **yourself?**

12 A. Right.

13 **Q. Okay. And so the bill would come to you**
14 **with those calculations made, and then what would**
15 **you do with it?**

16 A. I would look through the billing statements
17 and the payments that came in from the patient, what
18 the patient owed.

19 **Q. Okay.**

20 A. Yes.

21 **Q. Gotcha.**

22 A. And tallying up all of the bills that came
23 in and statements.

24 **Q. Okay. And then how -- how long were you in**
25 **that job?**

1 A. I was in the capacity of that position for
2 a year and a half, yeah.

3 Q. And immediately after that is that when you
4 started at Fayetteville State?

5 A. Immediately after, no.

6 Q. Okay. So there were -- was there some
7 employment in between?

8 A. I actually moved from Philadelphia.

9 Q. Okay. And in that transition from
10 Philadelphia to North Carolina, is that where you
11 moved to?

12 A. Yes.

13 Q. To this area, Fayetteville?

14 A. Yes.

15 Q. What was the reason for moving?

16 A. I -- my -- my best girlfriend was here and
17 I had lost my mother.

18 Q. Did your daughter move with you or --

19 A. Yes.

20 Q. She was not 37 at the time I take it?

21 A. No.

22 Q. Right. So that would make sense.

23 Other -- when you first arrived here in
24 North Carolina did you work somewhere other than
25 Fayetteville State?

1 A. No.

2 Q. How did you become employed
3 with Fayetteville -- how did you learn about the job
4 at Fayetteville State?

5 A. I looked and I searched and I researched
6 and I applied, went up to Fayetteville State and
7 applied for positions.

8 Q. Okay. And so when -- what -- in what year
9 did you start working at Fayetteville State?

10 A. February of 2002. February the 3rd I
11 believe it was --

12 Q. Okay.

13 A. -- of 2002.

14 Q. What was your position at that time?

15 A. I started off in HR.

16 Q. Doing what?

17 A. Admin assistant.

18 Q. Okay. How long did you serve as an admin
19 assistant in HR?

20 A. I served in that position for one year.

21 Q. And after that year, did you take a
22 different position at Fayetteville State?

23 A. Yes.

24 Q. What position?

25 A. I was then moved into a position as an

1 executive assistant in the budget office.

2 Q. Okay. You say that you were moved to that
3 position, can you tell me what you mean? Go ahead.

4 A. Okay. The position that I started with was
5 a temporary position.

6 Q. Was that supposed to be for just one year?

7 A. Well, technically, yes. And then -- go
8 ahead.

9 Q. Okay. So did you have to apply for the
10 executive assistant position?

11 A. Yes.

12 Q. You went through -- did you go through an
13 interview process for that position?

14 A. Actually there was a temporary position
15 before the executive position.

16 Q. Okay. But you did go through -- you did
17 have to submit an application?

18 A. Yes.

19 Q. How long did you serve as the executive
20 assistant in the budget office?

21 A. From February of 2003 until December of
22 2003, yeah.

23 Q. Okay. As the executive assistant in the
24 budget office, what were your job duties?

25 A. I was the assistant for the budget

1 director.

2 Q. What kinds of things would you assist the
3 budget director with?

4 A. Memos, letters, ordering supplies, backing
5 up for payroll, being a backup also for the
6 accounting technicians.

7 Q. What did you do as backup for accounting
8 technicians?

9 A. Well, we called it cross training, so the
10 budget office could be efficient.

11 Q. And in your role as executive assistant did
12 you have occasion to fill in or, or do the duties of
13 an account technician?

14 A. Yes, sir.

15 Q. Was that something that happened
16 frequently?

17 A. Yes.

18 Q. How -- so you were in that position for
19 about a year?

20 A. Uh-huh.

21 Q. Do you have any idea how many times you had
22 to fill in for an account technician during that
23 time --

24 A. No.

25 Q. -- on those occasions?

1 A. I don't recall --

2 Q. I'm sorry.

3 A. -- the amount of time.

4 Q. Okay. On those occasions that you did
5 substitute for an account technician during that
6 period, can you tell me the kinds of things that you
7 did?

8 A. I can't recall exactly.

9 Q. After December of 2003, did you move to a
10 different position?

11 A. Yes, I did.

12 Q. What position was that?

13 A. That was an accounting position.

14 Q. Do you remember --

15 A. And it was a permanent position.

16 Q. Okay. Great.

17 Do you remember what the title of the
18 position was?

19 A. No, I don't recall.

20 Q. Okay. Were there folks in the budget
21 office with the, with the job title of account
22 technician, at that time?

23 A. Yes.

24 Q. But the position you moved into was not as
25 an account technician?

1 A. Yes, it was an accounting technician
2 position.

3 Q. It was an accounting technician?
4 How many accounting technicians --

5 A. That I recall.

6 Q. I'm sorry.

7 A. Three.

8 Q. Three.

9 There were three accounting technicians in
10 the budget office when you started as an accounting
11 technician?

12 A. There was two, including me, three.

13 Q. Did you have to apply for that position as
14 accounting technician?

15 A. Yes.

16 Q. Were you interviewed for the position?

17 A. Yes.

18 Q. Tell me a little bit about what an account
19 technician does.

20 A. The aspects of the accounting technician
21 for me was for positions.

22 Q. Can you explain what that means?

23 A. When positions came through, positions as
24 far as hiring proposals for faculty, hiring
25 proposals for EEHRA, your directors, chancellors,

1 your vice chancellors, SPA positions.

2 Q. What is SPA?

3 A. For staff. State positions employee.

4 Q. Okay. SPA staff positions, are they
5 teaching faculty or a different category?

6 A. They are a different category.

7 Q. So are they generally general employees or
8 are they professional employees?

9 A. SPA positions are, example, an admin, a --
10 a purchasing assistant.

11 Q. Would an account technician be an SPA
12 position?

13 A. Yes.

14 Q. All right.

15 What were you doing when these -- when this
16 information would come about positions, when you
17 received that information what were you doing with
18 it?

19 A. Those positions would come through me once
20 they had routed through their perspective
21 departments. And when they came to me my job was to
22 make sure that the positions were correctly budgeted
23 and that they were budgeted to the correct FOAP.
24 FOAP meaning the account number for that department.

25 Q. Okay. FOAP, is that an acronym? Does that

1 **stand for something?**

2 A. FOAP, funding, so your funding positions.
3 If you -- once a position had come through the
4 office I had to make sure that there was enough
5 funding in the position to then forward it to human
6 resources.

7 Q. So as I understand it, and tell me if I --
8 if I'm mistaken, but these would be new positions
9 that some department in the University was creating
10 and you would receive the information for those and
11 make sure that it's the correct department and the
12 correct budget allocation and the monies were
13 available?

14 A. That was for all: For reclassifications,
15 for newly established positions. For positions that
16 were already established. When a department sent a
17 hiring proposal through. When a department sends a
18 posting for a position. I processed every last one
19 of those.

20 Q. You mentioned re-classifications, what is a
21 re-classification?

22 A. When you re-class a position from an
23 accounting technician to a budget analyst. If you
24 re-class a position for facilities maintenance to a
25 admin support.

1 Q. Okay. So I understand that as you're
2 describing your reclassification involves changing
3 the title of a job?

4 A. Yes.

5 Q. What else does a re-classification change
6 with regard to the, to any position?

7 A. The salary would change as well.

8 Q. Anything else?

9 A. We had to make sure that there's money in
10 the budget for those positions. That's a very
11 important piece.

12 Q. Okay. Other than making sure --

13 Oh, I'm sorry, you want to say something
14 else?

15 A. No.

16 Q. Okay.

17 A. You're fine.

18 Q. Thank you.

19 Other than making sure that the -- that the
20 position is allocated to the correct department and
21 that there's funds available, what other
22 responsibilities did you have in processing these --
23 these positions?

24 A. I had to run reports quarterly, sometimes
25 weekly, having communication with the department for

1 whom these documents would come from.

2 Q. Let me take a step back.

3 With the reclassifications, you're familiar
4 with the whether or not an employee is subject to
5 the State Human Resources Act or is not, correct?

6 A. Yes.

7 Q. Okay. So one category, we use the
8 shorthand SHRA, right, for an employee that is
9 subject to the State Employment Act, correct?

10 A. Yes.

11 Q. And then there's another designation with
12 the letters EHRA, and those employees in that
13 category are not subject to the State Employment
14 Act, correct?

15 A. No, that's not true.

16 Q. That's not true?

17 A. No.

18 Q. Then why -- what's wrong with that?

19 A. Because if -- if you're EHRA or SHRA
20 some -- something could happen.

21 Q. What do you mean?

22 A. I don't recall exactly what.

23 Q. Okay. Is it your understanding that an
24 employee in the EHRA category is exempt from the
25 State Human Resources Act?

1 A. No.

2 Q. That's not your understanding?

3 A. No.

4 Q. Okay. So can you tell me what EHRA
5 employees, what controls their terms of employment?

6 A. Their supervisor.

7 Q. How so?

8 A. Things -- things can -- can just happen
9 that way.

10 Q. Can someone's supervisor determine whether
11 or not an employee is subject to the State Human
12 Resources Act or not?

13 A. No, it doesn't have to do with an act or
14 the state, it has to do who's in position.

15 Q. In what position?

16 A. Whoever that person reports to.

17 Q. Okay. I'm not really understanding what --
18 what you're saying, help me out here.

19 The position that you were in as account
20 technician.

21 A. Uh-huh.

22 Q. Were you -- was that position classified as
23 subject to the State Human Resources Act or SHRA or
24 was it classified as an EHRA position?

25 A. SHRA.

1 Q. Okay. Is it your understanding that as --
2 in your position as the account technician that your
3 terms of employment were governed by or controlled
4 by the State Human Resources Act?

5 A. Uh-huh.

6 THE COURT REPORTER: Is that a yes?

7 BY MR. LINDSLEY:

8 Q. Is that a yes?

9 A. Yes, yes, I'm sorry.

10 Q. That's okay, that's fine.

11 Were you -- did you understand that your
12 terms of employment were controlled by anything
13 other than the State Human Resources Act in your
14 position as account technician?

15 A. Could you rephrase that?

16 Q. Sure.

17 In your position as account technician, you
18 said it was your understanding that you were subject
19 to -- terms of your employment were subject to the
20 State Human Resources Act. Did you understand that
21 any other act or policy controlled or -- or governed
22 your terms of employment?

23 A. It's not about who it's governed to, it's
24 about who you report to.

25 Q. So if -- if the person that you report to,

1 your -- your -- you're talking about your direct
2 manager?

3 A. Yes.

4 Q. If that person is classified as SHRA or
5 EHRA, do you follow whatever that designation is?

6 A. It's not follow. That -- I don't
7 understand what you're --

8 Q. Okay.

9 A. -- you're saying.

10 Q. Well, let me take a step back.

11 So, when a -- when a position was
12 re-classified, did you ever see a situation in which
13 a position was an SHRA and was changed to an EHRA as
14 a re-classification?

15 A. Yes.

16 Q. Can you tell me what in particular, what
17 position you recall those were?

18 A. Some of those are, I would say in your ITS.

19 Q. What is ITS?

20 A. All of your tech positions.

21 Q. So the -- the --

22 A. I don't know off the top --

23 Q. So the technology --

24 A. Yeah.

25 Q. The information technology?

1 A. Yes, yeah. Yes.

2 Q. Okay. People who come and help you when
3 your computer breaks down, that kind of thing?

4 A. Yes.

5 Q. Okay.

6 Now when a position was re-classified, as
7 you recall from an SHRA designation to an EHRA
8 designation, was that position -- whoever held that
9 position, were they required to go through an
10 interview process?

11 A. Yes.

12 Q. What is your understanding as to the
13 difference between EHRA employee status and EHRA --

14 Sorry, let me make sure I say this clearly.

15 The difference between SHRA employees and
16 EHRA designated employees, what's the difference?

17 A. Just the titles.

18 Q. Their -- their job title?

19 A. Yes.

20 Q. Is there any other difference between those
21 two categories of employees?

22 A. Being exempt.

23 Q. Exempt from what?

24 A. From -- you can move freely more with a
25 EHRA, your salaries could change --

1 Q. Have --

2 A. -- drastically.

3 Q. I'm sorry.

4 Finished?

5 A. Yeah.

6 Q. Okay. Sorry, I just want to sure.

7 A. Yes, I'm finished.

8 Q. I want to make sure I'm following my own
9 rule.

10 So what do you mean that an EHRA employee
11 can move more freely, what does that mean?

12 A. Funding for those positions become
13 available more frequently than they would for an
14 SHRA person.

15 Q. Do you know why a position would be
16 re-classified from SHRA to an EHRA?

17 A. Yes.

18 Q. Why?

19 A. Because the department, the manager and the
20 supervisor wants to make sure that those employees
21 in those positions, that the person that they want
22 to have in those positions can just move forward.

23 Q. What do you mean move forward?

24 A. As far as -- as far as your monetary is
25 concerned.

1 Q. You mean if they could be paid more?

2 A. Yes.

3 Q. Were the -- were EHRA employees respons- --
4 did they have more responsibilities than SHRA
5 employees?

6 A. Not all of them.

7 Q. Not all of them, but some?

8 A. Yes. Yes.

9 Q. So February 2003 -- nope, sorry. December
10 of 2003 or thereabout, you became an account
11 technician, how long did you serve in that position?

12 A. I served in that position up until April
13 the 30th of 2023.

14 Q. Now, in between those time periods when you
15 became the account technician in April 30th, 2023,
16 did you -- did you receive any advancement,
17 promotions during that time?

18 A. Well, advancements I would say no
19 advancements. When the state would have money in
20 the budget yearly to distribute throughout the state
21 for employees that's where my increases came from,
22 if it was a two percent increase or a five percent
23 increase.

24 Q. Is that something that all state employees
25 would receive?

1 A. Yes.

2 Q. The -- in the budget office were there
3 different levels of account technicians?

4 A. Yes.

5 Q. What levels were there?

6 A. Contributing.

7 Q. Any others?

8 A. Advanced.

9 Q. Just those two?

10 A. Yes.

11 Q. When you began as an account -- go ahead.

12 A. And there's another one, journey.

13 Q. Journey. All right. Thank you.

14 When you started as an account technician
15 what level did you begin at?

16 A. Contributing.

17 Q. Did you advance from contributing at some
18 point or other to an advanced accounting technician?

19 A. Uh-huh.

20 Q. Yes?

21 A. Yes. Yes.

22 Q. When was that transition?

23 A. I don't recall the exact date.

24 Q. When you moved to account technician
25 advance did you receive any sort of increase in pay?

1 A. Yes.

2 Q. Did you -- did your duties change in any
3 way?

4 A. Not much.

5 Q. And how about journey. Did you obtain the
6 journey level account technician at any time?

7 A. Yes.

8 Q. When was that?

9 A. I -- I don't recall the exact year and
10 month.

11 Q. Okay. Would it have been two, three years
12 before April 30th of 2023 or longer?

13 A. Longer.

14 Q. Five years?

15 A. Maybe six.

16 Q. Six, okay. Around, yeah?

17 A. Yeah.

18 Q. Okay.

19 A. Yes.

20 Q. Okay.

21 Did your -- did the change to account
22 technician journey level come with a pay increase?

23 A. Yes.

24 Q. Did it also come with any change in your
25 duties?

1 A. Yes.

2 Q. What changed between the advanced account
3 technician and journey account technician in terms
4 of your job duties?

5 A. There was more cross training.

6 Q. Cross training for what other positions?

7 A. Learning the non-state budget.

8 Q. What is the non-state budget?

9 A. Okay. The non-state budget is funding that
10 comes -- well, that's allocated throughout all of
11 the universities and those non-state budgets would
12 be a funding source of a three, one or a two, zero.
13 They're not state -- state-funded positions, they're
14 just like almost allocated as --

15 Q. Okay. So these would be employees that are
16 --

17 A. Just for --

18 Q. I'm sorry.

19 A. Go ahead. Go ahead.

20 Q. I think you're describing -- tell me if I
21 -- if I'm wrong. I think you're describing
22 employees that are paid from some source other than
23 state funding?

24 A. Yes.

25 Q. And you would process or -- or cross

1 trained to process that bucket of employees?

2 A. Funding.

3 Q. Funding for that?

4 A. (Moves head up and down.)

5 Q. Okay. And was it the same sort of thing
6 you were doing for the state-funded employees making
7 sure that the employee is under the right department
8 and that there are funds available for the employee?

9 A. Learning that piece of it as far as cross
10 training, that -- that didn't have to do with
11 positions.

12 Q. Okay. So in what way did you have to
13 learn -- I guess what I'm asking you is what was the
14 difference in what you were doing as an account
15 technician working with state-funded employees
16 processing that side and the non-state funded
17 employees, what was the difference?

18 A. I don't -- if you can rephrase that?

19 Q. Sure, I'll try.

20 I'm trying -- so you were cross training
21 to -- for -- to do something different than your
22 regular job as an account technician?

23 A. Exactly, but it wasn't -- it's accounting
24 technician but learning something totally different.

25 Q. Okay. So the cross training was for an

1 account technician that was doing something
2 different from what you were doing?

3 A. Exactly.

4 Q. And the different thing that they were
5 doing had to do with employees that were funded from
6 non-state funds?

7 A. No.

8 Q. No. Help me out.

9 What were -- what were you doing when you
10 filled in or cross trained for the other account
11 technician that was dealing with non-state funds?

12 A. Journal entries, moving money around for
13 supplies, furniture, construction.

14 Q. Okay. And that was not an aspect of your
15 regular duties --

16 A. No.

17 Q. -- in your account technician role?

18 A. That is correct.

19 Q. When did you begin that cross training?

20 A. I don't recall the date and year.

21 Q. Would it have been as soon as you became
22 journey level account technician or sometime later?

23 A. A little bit later.

24 Q. A little bit later.

25 Did the other account technicians also

1 cross train for your role for what you were doing?

2 A. Yes.

3 Q. All right. Let me move to something a
4 little bit different staying with employment though.

5 Tell me about your employment after April
6 30th, 2003, where have you worked?

7 A. It took me a while. I was -- worked for
8 the Department of Social Services.

9 Q. What did you do there?

10 A. I was an accounting technician there.

11 Q. What was the timeframe, when did you begin
12 and when did you stop working there?

13 A. October of 2023 until April of 2024.

14 Q. Why did you leave that position in April?

15 A. It had to do -- there was -- the job
16 description said something totally different than
17 what the position I was actually doing.

18 Q. I see.

19 So what -- what did you expect that you'd
20 be doing in that role?

21 A. Journal entries, purchase orders.

22 Q. Is that similar to what you've been doing
23 at Fayetteville State?

24 A. Yes.

25 Q. And what did it turn out that you were

1 actually doing at DSS?

2 A. Foster care.

3 Q. And that means that you were looking after
4 children or -- I mean, in what way were you involved
5 in foster care?

6 A. It was adult foster care.

7 Q. Adult foster care.

8 And how were you involved in that?

9 A. Processing payments and distributing checks
10 to the adults, yeah.

11 Q. And you weren't happy with that -- with
12 that role?

13 A. That is correct.

14 Q. Why not?

15 A. It was very bearing on me, it was very
16 heavy, and it was challenging, to say the least.

17 Q. Okay. So you left that position of your
18 own choice?

19 A. Well, yeah, I had a conversation.

20 Q. A conversation with your supervisor or --

21 A. I just rather not right now. I don't -- i
22 don't recall exactly what had took place with that.

23 Q. Okay. Well, were you -- were you fired
24 from the job or did you resign?

25 A. It was a mutual understanding.

1 Q. Between you and who?

2 A. My new supervisor.

3 Q. Okay. Had you had a supervisor that -- you
4 know, before that, a different supervisor?

5 A. Yeah.

6 Q. And then there was a change in supervisor?

7 A. Yeah.

8 Q. Were you getting along with the new
9 supervisor?

10 A. I rather --

11 Q. Did you have some difficulty with -- with
12 the new supervisor?

13 A. I don't recall.

14 Q. Was it the transition of the new supervisor
15 that ultimately led you to leave that job?

16 A. I don't recall.

17 Q. After -- well, I'll get to that later.

18 Sorry, I tend to jump around. You know,
19 we're covering a lot of information, sometimes
20 little threads pop out that I want to follow, but
21 I'll save it for later, so apologize for that.

22 So, April of 2024 you left the position at
23 DSS?

24 A. Uh-huh.

25 Q. As a mutual --

1 THE COURT REPORTER: Is that a yes?

2 A. Yes.

3 BY MR. LINDSLEY:

4 Q. As a mutual decision between you and your
5 new supervisor, fair?

6 A. Fair.

7 Q. Where were you employed after that?

8 A. At the -- at Amazon Prime.

9 Q. When did you start working there?

10 A. I started working there June the 29th.

11 Q. Of 2024?

12 A. Yes.

13 Q. And your position with Amazon Prime was
14 what?

15 A. Is. I'm an associate.

16 Q. What do you do as an associate day-to-day?

17 A. From diverting boxes, to scanning, to
18 sorting, problem solve.

19 Q. So are you dealing with -- with the actual
20 merchandise --

21 A. Yes.

22 Q. -- going out with orders?

23 A. Yes.

24 Q. Are you on like the factory floor, if you
25 will?

1 A. Oh, yeah.

2 Q. Okay. What's your -- what's your -- how --

3 How many hours a week do you work in that

4 role?

5 A. 40 hours a week.

6 Q. Are there any benefits that come with that?

7 A. Yes.

8 Q. What benefits do you receive?

9 A. It's medical insurance.

10 Q. Dental plan?

11 A. Uh-huh.

12 Q. Do you -- yes?

13 A. Yes, yes, yes, yes, yes.

14 Q. Do you partake in that?

15 A. Yes.

16 Q. All right.

17 Retirement plan, do they offer that?

18 A. Yes.

19 Q. Are you participating in the retirement

20 plan?

21 A. No.

22 Q. What is your salary at Amazon?

23 A. Salary?

24 Q. Is it hourly?

25 A. Yeah.

1 Q. Do you get paid hourly?

2 A. Uh-huh. Yes.

3 Q. So what are you -- what are you paid
4 hourly?

5 A. \$18.90.

6 Q. Do you ever earn overtime?

7 A. No.

8 Q. Is that something that's available?

9 A. Yes.

10 Q. You don't take advantage of that?

11 A. I don't recall going back to that, no.

12 Q. Okay. Let me take a step back to DSS, what
13 were you paid there?

14 A. That was \$21 an hour.

15 Q. Were there benefits with that position as
16 well?

17 A. Yes.

18 Q. Was that a county level employment or --

19 A. Yes, county.

20 Q. County.

21 Do you know whether or not your time at DSS
22 counted toward any credible time for state
23 employment?

24 A. Yes.

25 Q. It did?

1 A. Yes.

2 Q. So the October to April -- October 23 to
3 April 24 that time that you worked at DSS, you could
4 add to your credible state employment time?

5 A. That is correct.

6 Q. All right.

7 I'm sorry if I asked you, your benefits as
8 an employee at -- at DSS, you had benefits?

9 A. Yes.

10 Q. Medical?

11 A. Medical.

12 Q. All right. Dental?

13 A. Yes.

14 Q. Was there a retirement plan available?

15 A. Yes.

16 Q. Yeah, I mean you -- you paid in to some
17 retirement plan as an employee of DSS probably --

18 A. Yeah.

19 Q. -- forced, right?

20 Okay.

21 All right. So any other employment other
22 than Department of Social Services and Amazon Prime
23 after you left employment with FSU?

24 A. No.

25 Q. What other employment opportunities did you

1 pursue after leaving employment at FSU?

2 A. The Public Works Commission, Fayetteville
3 Technical Community College, the City of
4 Fayetteville.

5 Q. Anywhere else?

6 A. And Cumberland County Schools.

7 Q. I'm sorry, I need to back up one more time
8 to DSS.

9 Were you working 40 hours a week while you
10 were there?

11 A. Yes.

12 Q. Okay. So Public Works, what position did
13 you apply for there?

14 A. I applied for the accounting position that
15 they had posted. I applied for customer service
16 representative.

17 Q. So two different positions with Public
18 Works?

19 A. Yes.

20 Q. Were you interviewed for either?

21 A. None.

22 Q. How about at Fayetteville Tech what job did
23 you apply for there?

24 A. Accounting technician, financial aid.

25 Q. Only -- I'm sorry, go ahead.

1 A. Admissions.

2 Q. Any others that you recall?

3 A. I applied for so many jobs.

4 Q. Were you interviewed for any of those at
5 Fayetteville Tech?

6 A. Yes.

7 Q. Which ones?

8 A. That was the one in financial aid.

9 Q. How about City of Fayetteville, what did
10 you apply for there?

11 A. It was a budget analyst position.

12 Q. Were you interviewed for that one?

13 A. No.

14 MR. LINDSLEY: All right. You want to take
15 a break?

16 MR. BUDD: Yeah.

17 MR. LINDSLEY: Okay. Let's do that.

18 (Recess was taken from 10:54 a.m. to 11:09
19 a.m.)

20 BY MR. LINDSLEY:

21 Q. Okay. So we were talking about other
22 places that you had applied to. Did you -- did you
23 receive any job offers from any of those places?

24 A. No.

25 Q. When you applied to Department of Social

1 Services did you indicate at that time on your
2 application that you were under a RIF priority?

3 A. Yes.

4 Q. You did.

5 And just for the benefit of your court --
6 of our court reporter, RIF, R-I-F, is short for
7 reduction in force, correct?

8 A. Yes.

9 Q. Okay. Have you retired from state
10 employment?

11 A. No.

12 Q. Do you know if you're eligible to retire,
13 receive retirement benefits from the state as a
14 result of your state employment?

15 A. Yes.

16 Q. Do you plan to take state retirement at
17 some point in the future?

18 A. I have -- do not have the -- the age.

19 Q. Sure. So you -- yeah, you have to wait
20 until you're a certain age, but you plan to do so at
21 that time?

22 A. Yeah. Yes.

23 Q. All right.

24 Do you -- what is the total amount of your
25 credible state employment time that you can

1 attribute -- that you can use -- strike that.

2 Let me try to ask a better question.

3 How long of state employment is applicable
4 to state retirement as of today?

5 A. With the state, nine -- nineteen years and
6 four months. And with the county, eight months.

7 Q. So one year -- I'm sorry. Nineteen years
8 and four months, that comes from your employment
9 with Fayetteville State?

10 A. Yes.

11 Q. And then eight months comes from employment
12 at DSS?

13 A. The county.

14 Q. The county?

15 A. Yes.

16 Q. But that county time is creditable toward
17 your state employment time, correct?

18 A. Correct.

19 Q. All right.

20 So you have 20 years total of creditable
21 state time that goes to your retirement plan?

22 A. Exactly 20.

23 Q. Exactly 20.

24 Did you -- let me -- let me ask something
25 else.

1 You changed -- you had a change in -- in
2 your manager at Fayetteville State in 2022, correct?

3 A. Yes.

4 Q. And that was to Sandra Williams?

5 A. Yes.

6 Q. What was your working relationship like
7 with Ms. Williams?

8 MR. BUDD: Objection to form.

9 A. To the best of my knowledge, I thought we
10 had a great working relationship.

11 BY MR. LINDSLEY:

12 Q. Do you think otherwise today?

13 A. Yes.

14 Q. Why?

15 A. I was rifted. My position was rifted.

16 Q. Is that the only reason?

17 A. And my -- and the only position that was
18 rifted.

19 Q. Okay. So you're saying your position was
20 rifted. Do you mean it was subject to a reduction
21 in force action?

22 A. Yes.

23 Q. It was eliminated through the reduction in
24 force process?

25 A. The -- the -- well, if you want to call it

1 that.

2 Q. Well, what would you call it?

3 A. Uses -- using it as a substitution for
4 something else that I don't even know.

5 Q. Okay. But while you were working with
6 Sandra Williams did you have any conflicts with her?

7 A. No.

8 Q. Up until the time that your position was
9 subject to the reduction in force did you get along
10 with Ms. Williams at work?

11 A. Yes.

12 Q. Was she satisfied with -- with your work?

13 A. Yes.

14 Q. Did you have any -- were you having any
15 conflicts with any of your co-employees?

16 A. No.

17 Q. Any other managers?

18 A. Never.

19 Q. Got along with everybody?

20 A. Everybody, yes.

21 Q. Did you have -- did you ever -- I know that
22 state employees are subject to performance reviews
23 every year, correct?

24 A. Yes.

25 Q. Did you have a -- an employment -- a review

1 every year in your role as account technician?

2 A. Yes.

3 Q. Have -- did you ever receive on any of
4 those performance reviews a designation of not
5 meeting expectations?

6 A. Yes.

7 Q. Can you tell me how many times?

8 A. Once.

9 Q. One time?

10 A. Uh-huh.

11 Q. When was that?

12 THE COURT REPORTER: Is that a yes?

13 A. Yes.

14 That was in 20 -- was it 20 -- 2020?

15 BY MR. LINDSLEY:

16 Q. 2020?

17 A. Or 2021.

18 Q. Okay.

19 Other than that performance review where
20 you received the not meeting expectations, were
21 there any other performance reviews that noted any
22 deficiencies in -- in your work?

23 A. No, sir.

24 Q. No?

25 A. Not that I can recall, no.

1 Q. Did Ms. Williams -- well, strike that.

2 Did -- I'm sorry, I can't remember your
3 previous supervisor's name.

4 A. Lawrence.

5 Q. Lawrence. Yeah, Duanna Lawrence. Thank
6 you.

7 A. You're welcome.

8 Q. While she was your manager did she ever
9 implement any -- any discipline of any kind?

10 A. No discipline.

11 Q. Okay.

12 A. So the evaluation that was -- yeah, that
13 was it.

14 Q. All right.

15 How about --

16 A. There was no discipline.

17 Q. -- did you ever receive any counseling in
18 relation to your work?

19 A. Counseling?

20 Q. Right. I mean, did -- did you ever have a
21 meeting with your manager about your work
22 performance?

23 A. Just on the evaluation.

24 Q. Just on the evaluation.

25 A. Yes, sir.

1 Q. How about any -- do you know what a
2 documented counseling session is?

3 A. No.

4 Q. Do you recall -- well --

5 All right. What is your understanding as
6 to what Fayetteville State is allowed to do with
7 reduction in force actions?

8 A. That they can just let you go.

9 Q. Do you know the reasons why they could let
10 you go through a reduction in force action?

11 A. No.

12 Q. Have you ever looked at the human resources
13 reduction in force rules, policy?

14 A. Yes.

15 Q. Do you have an understanding today as to
16 what -- how the RIF process works?

17 A. From my understanding, the RIF process is
18 when the department or the university funding is
19 crunched, is low, and they would have to give --
20 they would have to eliminate position or positions.

21 Q. Is it your understanding that the RIF
22 process can be used for any other reason?

23 A. No.

24 Q. In your position as account technician did
25 you deal with RIF actions?

1 A. Yes.

2 Q. In what way?

3 A. When a person had been let go those
4 documents would come through my office as well.

5 Q. What documents?

6 A. Personnel Action Form, it's a personnel --

7 Q. Personnel Action Form?

8 A. Yes.

9 Q. What information is on a Personnel Action
10 Form?

11 A. The person's name, their banner number, the
12 position that they held, the funding source, their
13 supervisor, the information of termination.

14 Q. What is the information of termination,
15 what information is supplied there?

16 A. Okay. Are we still talking about the RIF?

17 Q. Yeah, you said in processing a RIF in your
18 position as account technician you would get a -- a
19 Personnel Action Form.

20 A. Yes, sir.

21 Q. And I thought you were just describing all
22 the information that's contained on the form,
23 correct?

24 A. Yes.

25 Q. Okay. So now on that last --

1 A. Well there are several -- there -- there --
2 there are different sections of the Personnel Action
3 Form and on that form you do have an area where it's
4 hiring, a posting, or if someone is being let go.

5 Q. Okay. So by looking at the form you know
6 which action is being performed?

7 A. Yes.

8 Q. Or about to be?

9 A. Yes.

10 Q. But other than that, I mean, does the
11 Personnel Action Form describe why a RIF action is
12 taking place?

13 A. No.

14 Q. What other documents do you process, did
15 you process as an account technician that had to do
16 with a RIF action?

17 A. There were several RIFs in my years of
18 working. Can you rephrase that question a little
19 bit?

20 Q. Sure. And we've talked about the Personnel
21 Action Form.

22 A. Uh-huh.

23 Q. Other than that form, were there other
24 documents, other paperwork that came through you as
25 an account technician that had to do with a RIF

1 **action?**

2 A. Well, once that form came through there was
3 attachments, of course, and those would tell me what
4 they were going to do, going to be rifted, yeah.

5 **Q. Right. And so what would you -- what were**
6 **you doing with the form?**

7 A. I would have to document my spreadsheets to
8 align with what that department is doing --

9 **Q. Sure.**

10 A. -- with that position. And then that form
11 would then go down to human resources.

12 **Q. Okay. So as I understand it, and again**
13 **tell me if I have it wrong, but you would get the**
14 **Personnel Action Form and you would take the**
15 **information from that form and put it in a**
16 **spreadsheet that you maintained?**

17 A. Yes.

18 **Q. Were you doing anything else with the**
19 **Personnel Action Form?**

20 A. Submitting it to HR.

21 **Q. And then once the information is in your**
22 **spreadsheet, what happens next in your role as**
23 **account technician?**

24 A. I have to maintain and keep it updated.
25 When we do information that has to go up to general

1 administration.

2 Q. So when different employ -- employment
3 actions -- or when different employment actions took
4 place you would get this personnel -- Personnel
5 Action Form, input the data into your spreadsheet
6 which kept it up-to-date?

7 A. Yes.

8 Q. Was -- were --

9 Other than the Personnel Action Form, was
10 there any other source of information or data that
11 would be in your spreadsheet?

12 A. Yes. A listing of every position,
13 excluding grants. Contracts and grants is a totally
14 different department, they handle their own
15 positions with contracts and grants.

16 Q. Okay. And were you basically doing -- you
17 tell me again if I have this wrong, but with
18 whatever information came to you in your position as
19 an account technician you were putting it into your
20 spreadsheet?

21 A. Yes.

22 Q. And you were just keeping that spreadsheet
23 up-to-date with the information that you would
24 receive?

25 A. Yes.

1 Q. And that information in your spreadsheet
2 would then be transferred to some other department
3 or to the legislature, to -- to who?

4 A. Exactly, well -- well, it was something
5 that was kept internally. And then on a quarterly
6 basis I would have to submit a documented form to
7 GA.

8 Q. Okay.

9 A. Yeah. As far as your FTE's and your
10 salaries.

11 Q. Sure.

12 In your role as a -- while you were working
13 as an account technician were you called upon to
14 manage any budgets?

15 A. Yes.

16 Q. In what way?

17 A. Salaries.

18 Q. How did you manage a salary budget?

19 A. Each -- each department is allocated a
20 certain amount of funding for their department, for
21 salaries, supplies, things of that nature.

22 Q. Okay. So how -- how were you -- what were
23 you -- I don't exactly know how to ask this because
24 I don't know the job that well, but help me out in
25 understanding what you were doing with managing a

1 department's budget.

2 A. Making certain that whomever they're
3 getting ready to hire, if there's a posting and
4 making sure that that position has money funded for
5 that posting to be posted.

6 Q. Sure. And who would determine whether or
7 not --

8 Well, if there was -- if you looked and
9 found that there was funding for a position --
10 that's not a good way to ask a question, let me try
11 again.

12 Were you responsible at all for moving
13 money around in a budget to make sure that there was
14 funding for a position or funding for supplies?

15 A. Absolutely.

16 Q. So let's say in the IT department, if they
17 wanted to hire somebody but they didn't have enough
18 money in the budget to hire somebody, was it part of
19 your job to take money out of a different part of
20 the IT budget and put it over here so that they
21 could fund this employment position?

22 A. Not without me informing the department
23 that the position does not have enough funding. I
24 would have to e-mail them to inform them of that,
25 and it's up to the department to find out where

1 they're going to pull the money from.

2 **Q. Okay.**

3 A. And if their assistance is needed by myself
4 I would help them with that.

5 **Q. Sure.**

6 How about budget planning, were you
7 responsible for the planning process for any
8 department in the university?

9 A. No planning, no.

10 **Q. All right. Let's jump to April of 2023.**

11 How did you learn that your position was
12 going to be subject to a RIF action?

13 A. On March the 31st of 2023, it was around
14 3:45. I -- Sandra Williams had came into my office
15 and she asked to speak with me for a moment. And
16 then I went into her office, and when I walked into
17 her office Kay Faircloth was sitting -- well, not
18 sitting, she was standing, and when I saw Kay
19 Faircloth I'm like okay, what is going on. So I sat
20 down and Kay Faircloth had pulled out a letter.

21 **Q. Who is Kay Faircloth?**

22 A. She's the associate vice chancellor, I
23 guess, of HR.

24 **Q. The letter that she gave, that Kay**
25 **Faircloth gave to you, what did it say?**

1 A. It stated we're -- if I can get this
2 correct.

3 We're no longer in need of an accounting
4 technician position.

5 **Q. I'll just mark this document as Exhibit 1.**

6 (Exhibit 1 was marked for identification.)

7 BY MR. LINDSLEY:

8 **Q. And just ask you to take a look at that, if**
9 **you will.**

10 A. (Witness reviewing document.)

11 **Q. Have you had enough time to look at it?**

12 A. Yes.

13 **Q. Do you recognize the document?**

14 A. Yes.

15 **Q. What is it?**

16 A. It's a letter to me telling me that they're
17 restructuring the budget office.

18 **Q. Is this the letter that Kay Faircloth gave**
19 **to you on March 31st of 2023?**

20 A. It looked different from this. It looked a
21 little different from this one here.

22 **Q. Can you tell me how it looked different,**
23 **what was different about it?**

24 A. This came a little after.

25 Okay. There's the severance pay, okay.

1 Okay. So what about this letter are we --

2 **Q. You said this looks different from the**
3 **letter that you remember that Kay Faircloth gave to**
4 **you. How -- what's different in Exhibit 1 that**
5 **you're looking at now compared to the letter --**

6 A. I have --

7 **Q. -- that Kay Faithcloth gave to you on March**
8 **31st, 2023?**

9 THE WITNESS: Can you pull the letter that
10 we have?

11 BY MR. LINDSLEY:

12 **Q. Well, let me --**

13 MR. BUDD: Do you want to go off the record
14 for a second?

15 MR. LINDSLEY: No, let's, stay on the
16 record.

17 BY MR. LINDSLEY:

18 **Q. You provided documents along with your**
19 **answers to the written questions --**

20 A. Uh-huh.

21 **Q. -- that I sent, correct?**

22 A. Uh-huh.

23 **Q. Did you --**

24 THE COURT REPORTER: Yes? Is that a yes?

25 A. Yes, yes, yes.

1 MR. LINDSLEY: Thank you.

2 THE WITNESS: Sorry.

3 BY MR. LINDSLEY:

4 Q. Did you include in that package, package of
5 documents, a copy of the letter that Kay Faircloth
6 gave to you on October 31st, do you know?

7 A. Yes, I did.

8 Q. I'll hand you what I'm -- what I'm marking
9 as Exhibit No. 2.

10 (Exhibit 2 was marked for identification.)

11 BY MR. LINDSLEY:

12 Q. Here you go.

13 A. Thank you.

14 Q. Uh-huh.

15 I'm going to represent to you that this is
16 the package of documents that was sent to me by your
17 attorney along with your discovery responses, the
18 interrogatories, and this is the documents in
19 response to your -- to our request for production of
20 documents.

21 So let me ask you this first:

22 Did you have an opportunity to review the
23 discovery responses including the documents that
24 were sent with them before they were sent to us?

25 A. Yes.

1 Q. Okay.

2 A. But I'm just wanting to --

3 Q. Sure.

4 A. -- look at something real quick.

5 Q. Yeah, take your time.

6 A. Thank you.

7 Q. Review that and let me know when you're
8 ready.

9 A. Thank you.

10 (Witness reviewing document.)

11 This is it. Yeah, this is it. Thank you.

12 Q. Okay, no, no -- no problem.

13 A. Thank you.

14 Q. Just for the record --

15 A. Yes.

16 Q. -- to make things clear, so you've reviewed
17 now the documents that were produced through your
18 attorney to us, correct?

19 A. Yes.

20 Q. That's Exhibit No. 2 that I handed to you.
21 And within that there's -- appears to be a
22 photograph of a letter dated March 31st, 2023,
23 correct?

24 A. Yes.

25 Q. Now, in Exhibit No. 2 that letter, the

1 photograph of that letter, is it the same as the
2 letter that I handed you as Exhibit No. 1 here
3 today?

4 A. Yes, yes.

5 MR. BUDD: Except for the note that's
6 handwritten on the second page.

7 BY MR. LINDSLEY:

8 Q. Sure, yeah. On the second page of Exhibit
9 1 there is a note at the bottom, right?

10 A. Yes. Right, uh-huh, yep. Exactly.

11 Q. Right. And so in Exhibit 1 the note says,
12 "Notice given to Ms. Bernard in meeting with Sandra
13 Williams and Kay Faircloth, (HR), on 3/31/2023."

14 Correct?

15 A. Yes.

16 Q. Is it correct that this letter was given to
17 you on March 31st, 2023?

18 A. Yes.

19 Q. The letter has a space for your signature.

20 A. Uh-huh.

21 Q. But on the Exhibit No. 1 your signature is
22 not here.

23 A. Right.

24 Q. Did you ever sign this letter?

25 A. No.

1 **Q. Why not?**

2 A. Because I -- I did not sign the letter
3 because when I had this sit down with Sandra
4 Williams and Kay Faircloth. I'm sitting here
5 looking at my life being pulled away from me. So, I
6 requested can I move to a different department, and
7 I was told no because there's not another -- another
8 accounting technician position available. That's
9 what Ms. Kay Faircloth said to me.

10 And I said, "No, you're incorrect, there is
11 another position, accounting technician."

12 And she kept telling me no it wasn't.
13 Well, that's what I do, I work with positions, I
14 know what's there.

15 My coworker was moved into another position
16 that was re-classified from an accounting technician
17 to a finance Budget Analyst 3, so I know that it was
18 another position within the budget office because it
19 was vacant, but I was told that it wasn't.

20 **Q. Okay. There's a lot to unpack there, so**
21 **let -- let me take it one piece at a time, okay?**

22 A. (Moves head up and down.)

23 **Q. So during this meeting with Kay Faircloth**
24 **and Sandra Williams --**

25 A. Yes, ma'am.

1 Q. You --

2 A. I mean, sir.

3 Q. I didn't even catch that so don't worry
4 about it.

5 During the meeting with Kay Faircloth and
6 Sandra Williams on March 31st, 2023, you asked to be
7 moved to a different position?

8 A. Yes.

9 Q. So tell me about how moving from one
10 position to another could be accomplished at the
11 University as your understanding, from the
12 perspective of your account technician position?

13 A. Okay. Okay. So this says, "This letter
14 serves as an official notification to you that due
15 to the restructuring of the budget office, your
16 employment as an accounting technician with
17 Fayetteville State University will end effective
18 April the 30th of 2023."

19 Okay. How are you restructuring the budget
20 office by eliminating an accounting technician
21 position/reduction in force with another accounting
22 technician position that was vacant.

23 Q. What I'm trying to understand is whether it
24 was something that occurred where an employee was
25 subject to a RIF action but was moved to a different

1 position to maintain employment?

2 A. Yes, I've seen that done.

3 Q. And when you've seen that done was the
4 employee moved from the RIF position to an
5 equivalent position somewhere else?

6 A. Yes.

7 Q. Like if there's an accounting technician
8 in, I don't know, food services, whatever it's
9 called, I don't know, just an example, and that
10 position is subject to a RIF action, that employee
11 moved to an account technician position somewhere
12 else within the university?

13 A. Yes, or even not even that exact title, but
14 I've seen it done before. I know what they can do
15 and what they can't do because I've seen it done.

16 Q. How many times have you seen that done?

17 A. At least five, yeah.

18 Q. Can you tell me -- do you remember the
19 names of the employees --

20 A. Oh, yeah.

21 Q. -- where that happened and when?

22 A. Sure. Gill Settles Battle, this was going
23 back to 2013. She was moved from the SPE
24 building -- well, she had received a RIF letter and
25 she fought for her rights, battled, and she was

1 moved to the Registrars Office. And she was working
2 under Miss, at the time, Sarah Baker.

3 **Q. All right.**

4 A. I think they all worked there in that
5 position for about a year. And then she left
6 Fayetteville State University, went to another
7 university. Well -- well -- it was a community
8 college, but anyway. Go ahead.

9 **Q. So what position was Ms. Settles Battle in**
10 **that was subject to the RIF action?**

11 A. She was doing programming for Mr. Franklin
12 I believe his name was. It had -- it was a position
13 that she was held that worked with the students that
14 do the half high school and half college years in
15 relations.

16 **Q. And then what position did she, did she do,**
17 **you know, after that?**

18 A. She moved into a whole nother title or
19 position.

20 **Q. Right.**

21 A. So it wasn't like she moved from -- that
22 title had to match the title that she went into, no,
23 she -- they moved her from one position to another.

24 **Q. Did you --**

25 A. And she received a RIF letter, too.

1 Q. Did you process that change in her
2 employment position?

3 A. Yes, sir.

4 Q. Did she have to apply for the new position
5 that she moved to?

6 A. No.

7 Q. She didn't go through an application
8 process?

9 A. No, sir.

10 Q. Do you know the title of the job that she
11 moved to?

12 A. I would have to go onto the website and
13 look that up.

14 Q. All right. So you're aware of this
15 information because you yourself processed it in
16 your role as an account technician?

17 A. Yes.

18 Q. Did you ever speak with Ms. Settles Battle
19 about this situation?

20 A. Yes.

21 Q. When?

22 A. Well, that was years ago, yeah.

23 Q. You haven't spoken to her recently?

24 A. No.

25 Q. Have you spoken to her about this lawsuit

1 at all?

2 A. Oh no.

3 Q. Who else beside Ms. Settles Battle are you
4 aware of that transitioned -- moved from one
5 position that was subject to a RIF action to some
6 other position?

7 A. I would -- not a RIF action, but I've seen
8 just moving around for different reasons.

9 Q. How about in -- in a situation where a
10 department was restructuring, had you seen employees
11 moving from one position to a different position in
12 that process?

13 A. I wouldn't say restructuring. I would say
14 if the supervisor or the employee weren't seeing eye
15 to eye, I've seen them moved.

16 Q. Okay. So if there was -- I'm sorry, go
17 ahead.

18 A. For instance, I can give you a scenario.
19 Let me see.

20 Charlene Allen used to work in the business
21 office. Sandra Hughes used to work for the
22 comptroller, Cynthia Jones. And Charlene used to
23 work for Yolanda Fuller, in the business office.
24 They were both having issues so they swiped out
25 employees.

1 Q. I see.

2 That situation was not due to a reduction
3 in force --

4 A. No.

5 Q. -- action?

6 A. No.

7 Q. Do you know how old Ms. Settles Battle was
8 in 2013 when she moved positions?

9 A. Oh, God. No, I don't know how old she was.

10 Q. The letter that you have as Exhibit 1,
11 explains to you that you had -- if you had accrued
12 vacation bonus and sick leave you could apply that,
13 you could receive compensation for that time,
14 correct?

15 A. Yes.

16 Q. It also included information about the
17 possibility of severance salary continuation, right?

18 A. Yes.

19 Q. Okay. And that means that you might have
20 been entitled to receive some payments after you --
21 after April 30th of 2023 when you left employment,
22 correct?

23 A. Yes.

24 Q. Did you receive any severance payments?

25 A. You probably have it in here, right, the

1 e-mails from Kay -- from Kay Faircloth?

2 One moment. Kay Faircloth had tried
3 calling me but I disregarded that. And then she
4 sent me an e-mail on April the 4th informing me that
5 she can inform -- she can give me an estimated
6 severance pay, and I never responded back.

7 **Q. How come?**

8 A. I contacted -- when you have been somewhere
9 for so -- for years that you have given your heart
10 and soul out to, your blood, sweat and tears and
11 then someone comes along and tries to rift you --
12 well, rifted you, contacting Kay in reference to a
13 severance package, that was the least of my worries.

14 **Q. Did you contact somebody different about**
15 **the severance pay?**

16 A. Contact somebody different?

17 **Q. Yeah, I mean did you -- were you --**

18 **Did you contact anybody at the University**
19 **to find out if you were eligible for severance pay**
20 **and how much you might get?**

21 A. Oh no.

22 **Q. Why?**

23 A. Because I wanted to take this where we are
24 today. It wasn't about me contacting Kay Faircloth
25 for her to kept badgering my mailbox with something

1 that I kept sending back and I never opened and I
2 returned to sender, and I had already applied for
3 unemployment, and I kept sending the checks back
4 unopened.

5 **Q. When you applied --**

6 A. And then --

7 **Q. I'm sorry, go ahead.**

8 A. And then she finally had sent me another
9 e-mail stating that they did come up with a figure
10 and it would be eight thousand and some odd dollars
11 for May, June and July. I mean, so you're telling
12 me that you're going to give me \$26,000 for my whole
13 life, really?

14 But -- but anyway, that was -- yeah, that
15 was a tough pill to swallow.

16 **Q. So you did receive that estimate --**

17 A. Yes, sir.

18 **Q. -- of severance pay that they would give**
19 **you?**

20 A. Yes.

21 **Q. When you applied for unemployment, did they**
22 **ask whether or not you were receiving or entitled to**
23 **receive any severance pay?**

24 A. No, I had applied. Of course, I was let go
25 and, because my intentions were not to accept the

1 severance package. That wasn't my -- that wasn't
2 the outcome for me. All I wanted then was to just
3 move me somewhere else, that's it.

4 **Q. During the meeting with Sandra and Kay, you**
5 **asked about moving to a different position?**

6 A. Yes, sir.

7 **Q. What position did you want to move to?**

8 A. I could've moved into -- with keeping the
9 same salary that I had, they could have moved me
10 into an admin position, I stressed that to them. I
11 said I only have eight months until my 20 years of
12 this -- of working with the State of North Carolina.
13 I have eight months, and that's all I stressed to
14 them. And that's all I wanted was for them just to
15 move me. If Sandra didn't want me in that office
16 anymore all they had to do was just move me. That's
17 all I wanted.

18 **Q. Would -- is obtaining 20 years of state**
19 **employment, was that a particular goal for you?**

20 A. Well, when you -- that would have given me
21 the goal of having nested in 20 years so I could
22 retire eventually when I want to retire from the
23 state. So the 20 years is a lot, those few months
24 mean so much.

25 **Q. Is there something about a 20-year**

1 employment that gives you -- other than the
2 additional eight months of course would contribute
3 to your retirement, but just reaching that 20-year
4 mark, does that mean that there's some other special
5 benefit --

6 A. Yes.

7 Q. -- in retirement?

8 A. Yes.

9 Q. What is that?

10 A. Since I started in 2002 prior -- after
11 2006, anyone that was employed after 2006 medical
12 benefits would not be included with your retirement,
13 but since I started in 2002, well permanent in 2003,
14 that means that when I retire my medical, the
15 benefits would be for free.

16 Q. That's true whether or not you reach 20
17 years of state employment though, right?

18 A. Right.

19 Q. Yeah. So just reaching 20 years of state
20 employment, does the 20-year mark mean that you get
21 some extra benefit that you would not have received
22 just shy of 20 years?

23 A. Yes, the medical benefits.

24 Q. So --

25 A. That is something that you would have to

1 pay for.

2 Q. Okay. So let me understand. So if -- if
3 you retire -- if you left state employment --

4 A. Yes, sir.

5 Q. -- at 19 years and 3 months or four
6 months --

7 A. Yes, sir.

8 Q. -- and then took retirement from state
9 employment you'd be entitled to the medical
10 benefits, right?

11 A. But I would have to pay for them.

12 Q. So you would have to obtain 20 years of
13 state employment to have free health benefits?

14 A. Well that came in effect also because I
15 started before 2006.

16 Q. Sure.

17 A. Because it was stopped 2006 on.

18 Q. Yeah.

19 A. Yeah.

20 Q. What I'm trying to understand is whether or
21 not your reaching 20 years was the determining
22 factor of whether or not you had free health care in
23 retirement from the state?

24 A. Yes.

25 Q. So if you hadn't reached 20 years you'd

1 have to pay for your health insurance?

2 A. Yes, sir.

3 Q. You've reached the 20 years of credit time
4 with state employment now through your employment
5 with DSS, correct?

6 A. Yes, sir.

7 Q. So you have achieved that goal of 20 years
8 in having your free health care in retirement from
9 the state, correct?

10 A. Yes.

11 Q. Are you -- no, I already asked you that.

12 You said that you asked to be moved to a
13 different position and you said that Kay Faircloth
14 told you there were no other accounting technician
15 positions in the University that you could move to,
16 correct?

17 A. Yes, sir.

18 Q. But you also said that you were aware that
19 there was, in fact, a account technician position in
20 the budget office?

21 A. Yes, sir.

22 Q. How are you aware of that?

23 A. Because my -- my coworker at the time,
24 Jan-Jee Wells, Sandra had re-classified, well
25 actually three positions. She re-classified a

1 position which Jan-Jee Wells holds right now,
2 finance and budget analyst 3, leaving the position
3 that Jan-Jee Wells was in prior to her new position
4 was an accounting technician.

5 Q. Okay. First can you spell Jan-Jee for us?

6 A. J-A-N, hyphen, J-E-E, Wells.

7 Q. Got it. Thank you very much.

8 A. You're welcome.

9 Q. So she was hired initially and was your
10 coworker as an account technician?

11 A. Yes.

12 Q. Was she the same level account technician
13 that you were?

14 A. She was an accounting technician journey.

15 Q. Journey?

16 A. Yes.

17 Q. And you were an advanced?

18 A. No.

19 Q. No?

20 A. No.

21 Q. Were you also a journey?

22 A. Yes.

23 Q. Okay. Did you ever obtain advanced level?

24 A. Yes.

25 Q. And is that the highest level, advanced?

1 A. Yes.

2 Q. Okay.

3 All right. So Jan-jee Wells, when was she
4 hired?

5 A. Oh, Jan-Jee had been with the University
6 prior to me coming into the University. She was in
7 the business office first, and then she was hired to
8 work in the budget office --

9 Q. Right.

10 A. -- back in 2007, so I had an opportunity to
11 work with Jan-Jee for years.

12 Q. For a long time?

13 A. Yes, sir.

14 Q. Did you -- were you involved in the, in the
15 re-classification process of the attorney -- I'm
16 sorry, the admin -- what is it? What was your role?

17 A. Accounting technician.

18 Q. Accounting technician, thank you.

19 Accounting technician in the Budget Office,
20 were you involved in the process of reclassifying
21 the accounting technician position to finance budget
22 analyst?

23 A. Yes.

24 Q. You processed the paperwork for that?

25 A. Yes. Yes, sir.

1 Q. So you knew that there was some of kind of
2 change occurring with the jobs within the budget
3 office?

4 A. Right. And that was the plan. That's the
5 plan that Sandra Williams had talked about with us.

6 Q. The -- I think you said that the account
7 technician positions were SHRA positions, correct?

8 A. Yes.

9 Q. And that includes Jan-Jee Wells position?

10 A. Yes.

11 Q. The finance budget analyst positions, were
12 they also SHRA or were they EHRA?

13 A. The accounting, the budget analyst, and the
14 finance budget analyst, they're all SHRA.

15 Q. Okay. You mentioned one other. There's
16 budget analyst and then there's finance budget
17 analyst, those are two different positions?

18 A. Yes. When they were first sent down to
19 HR -- sent down to comping(phonetic) class to be
20 re-classified from Accounting Technician, they were
21 sent down to be classified as Budget Analyst 1, and
22 2, but then she had a conversation with somebody in
23 HR I guess and they went for the Finance and Budget
24 Analyst 3, and the other two positions were Budget
25 Analyst 1, which was supposed to have been

1 re-classed for me from an Accounting Technician to a
2 Budget Analyst 1. And then it was another position
3 Budget Analyst 2, and then the position that my
4 coworker's in now, Finance and Budget Analyst 3. So
5 that left two positions, mine, accounting
6 technician, and the previous one that Jan-Jee Well
7 was in, Accounting Technician, because now she's in
8 the Financing Budget Analyst 3.

9 Q. Do you know whether in making that change
10 from Account Technician to Finance and Budget
11 Analyst 3, whether Jan-Jee went through an
12 application and interview process for that position?

13 A. No.

14 Q. You don't know?

15 A. No.

16 Q. You said that you were aware that the plan
17 was in the budget office to change the positions
18 from account technicians to budget analysts, right?

19 A. Yes.

20 Q. Did anyone tell you that you would be moved
21 just taken from your Accounting Technician position
22 and put in the Budget Analyst position?

23 A. Oh, yes.

24 Q. Who told you that?

25 A. Well Sandra wanted to -- she was -- this

1 had been going on for years since Steven Mack was
2 there, but that's another whole story. But finally
3 when Sandra came down to the budget office she was
4 like these -- these positions should be re-classed.
5 And I had talked with her like a couple of months
6 after she started in the position that she was in,
7 in our office, and I had mentioned to her that I'd
8 been really an advocate for the budget office to see
9 that we all -- cause we've all been there for so
10 many years and what we were doing had -- had nothing
11 to do with Accounting Tech. It was on a much higher
12 level than that. And I even contacted Keisha Ford
13 in HR when she was in comping Class, I had a chance
14 to reach out to her.

15 Now mine you, she's not even with
16 Fayetteville State anymore, but I did have her phone
17 number, and I e-mailed her. And she said, "Lisa,
18 those positions should've already been classified,
19 re-classified back in 2018 because I sent an e-mail
20 to Steve Mack. Those positions should have been
21 re-classified to Budget Analyst 1 and 2."

22 And I was like wow, that's really, really
23 something.

24 So all of this time those -- those
25 positions should have been re-classified and finally

1 they were.

2 **Q. Did Kay ever tell you that she was going to**
3 **put you into the budget analyst position?**

4 A. Well, no, Kay wouldn't have done that, that
5 would have been something that would happen with --
6 with -- with Sandra.

7 **Q. Did Sandra --**

8 A. But, yes.

9 **Q. -- ever tell you that?**

10 A. Yes, yes.

11 **Q. When did she tell you that?**

12 A. Well when she first started as our
13 supervisor, we talked about the re-classing of the
14 accounting technicians so I told her that I had been
15 an advocate for the budget office prior to you
16 becoming our supervisor. Duanna Lawrence even tried
17 when she became the supervisor.

18 And Sandra did say that, yes, these
19 positions should've -- these positions should not be
20 Accounting Technicians they should be the -- the
21 Budget Analyst.

22 And there's a young lady that works in the
23 comping class, Sheila, I believe that's what her
24 name is. Of course, I didn't have a chance to work
25 with her that long. And she was aware of the fact

1 and getting the paperwork that those positions was
2 going to be the -- the other Budget Analyst
3 positions.

4 Q. Let me give you another document now. This
5 will be Number 3.

6 (Exhibit 3 was marked for identification.)

7 A. Thank you.

8 BY MR. LINDSLEY:

9 Q. You're welcome. Take the time to review
10 that, let me know when you're finished.

11 A. Okay. I have reviewed.

12 Q. Okay. Is this a copy of the Equal
13 Employment Opportunity counsel complaint or charge
14 of discrimination that you filed in relation to your
15 employment at FSU?

16 A. Yes, sir.

17 Q. It has your signature at the bottom, does
18 it not?

19 A. Yes.

20 Q. You recognize that as your signature?

21 A. Yes.

22 Q. And it's dated June 14th, 2023, correct?

23 A. Yes.

24 Q. All right. Now, I want to ask you about
25 the statement of harm section right in the middle of

1 the document, okay? The long paragraph.

2 A. Uh-huh, yes.

3 Q. Okay. It states that "FSU has subjected me
4 to discriminatory and disparate treatment based on
5 my age."

6 Did I read that accurately?

7 A. Uh-huh, yes.

8 Q. And you included that in this charge of
9 discrimination, did you not?

10 A. Yes, I did.

11 Q. I mean, that was kind of a dumb question
12 because it's here. I'm capable of asking bad
13 questions. I've probably done it more than once
14 today.

15 But I guess my real question is what makes
16 you believe that FSU discriminated against you based
17 on your age?

18 A. Because I was rearing into my 20 years.

19 Q. Okay. How old were you? I know I'm not
20 supposed to ask a women's age, but I have to.

21 A. I don't tell my age.

22 Q. How old were you in April of 2023?

23 A. I was 55.

24 Q. Do you know how old Jan-Jee Wells is?

25 A. Not exactly, no.

1 Q. Is she younger than you, older than you?

2 A. I never asked her.

3 Q. If you had to guess what would you say?

4 A. I think maybe --

5 MR. BUDD: She won't see it.

6 BY MR. LINDSLEY:

7 Q. I won't tell her.

8 A. In her 50s, but I don't know.

9 Q. Okay. Are you aware of anyone else who's
10 been hired into a budget analyst position at FSU
11 since you left in April of 2023?

12 A. Yes.

13 Q. Who are you aware of that's been hired into
14 that position?

15 A. Well, let's take a step back, if you don't
16 mind.

17 Q. Please.

18 A. Prior to my rift there was a posting for
19 the budget office for an admin support specialist.
20 I even asked in the meeting with Kay Faircloth and
21 Sandra on March the 31st of 2023, "Sandra, there's a
22 position that's posted for the budget office,"
23 because she stated to Jan-Jee and I that, that the
24 admin was going to work with the three of us, so I
25 said oh, okay, that'd be great. But when it came

1 down to this I said, "You have a position that's
2 posted for an admin." Kay's sitting over here,
3 Sandra's sitting over there, "why can't I move into
4 that position?"

5 And she said, "You can apply for it but I'm
6 not going to be on the committee."

7 But you're doing a reduction in force, but
8 you have a position that's posted, wow. And that
9 you hired. And you RIF me but you have a position
10 that you have posted for an admin. A reduction in
11 force is you're not -- you don't have enough money,
12 right, so you're pulling back on your funding.

13 So can I ask you a question? Is that what
14 a reduction in force is to you?

15 **Q. The purpose of today is for you to answer**
16 **my questions. I'm sorry.**

17 A. Okay.

18 **Q. I won't -- I won't be able to answer that**
19 **question.**

20 A. Gotcha.

21 **Q. But I apologize.**

22 A. All right.

23 **Q. Okay. Anything else that you wanted to add**
24 **to that?**

25 A. No.

1 Q. All right. So going back to that meeting
2 since you bring it up. Did Kay and Sandra identify
3 for you, you know, resources where you could search
4 for other state employment?

5 A. They had told me that I'm going to be on
6 the RIF list and that if I need assistance to
7 contact HR.

8 Q. Did you search for other state employment
9 after you were --

10 A. Yeah, those are the position I was -- I was
11 mentioning with the Public Works Commission, So
12 that's with the state, City of Fayetteville, the DSS
13 is the county. Cumberland County Schools. I mean,
14 you name it, I have.

15 Q. Alright. Did Kay say that you could apply
16 for the budget analyst position?

17 A. No.

18 Q. Did Sandra?

19 A. No.

20 Q. Did you --

21 A. Oh, those positions were available when
22 they gave me the RIF but they was posted a week
23 after my final day of April the 30th of 2023. They
24 were posted.

25 Q. How many positions?

1 A. Two.

2 **Q. As Budget Analyst?**

3 A. Budget Analyst 1 and Budget Analyst 2.

4 **Q. Did you apply for either of those?**

5 A. No.

6 **Q. Why?**

7 A. I mean, they rifted me. I didn't -- like,
8 there was a lot of things happening in my mind.

9 **Q. Okay.**

10 A. But these are positions that were going to
11 be reclassified while I was still there but they
12 just so happened to for them to be completed after I
13 was gone.

14 **Q. Did you feel that you were qualified for**
15 **the Budget Analyst 1 or 2 position?**

16 A. Absolutely. Absolutely. Absolutely. But
17 then when I was -- I applied -- I saw the positions
18 and I printed them off, but we're going back to the
19 reduction in force, though right? We don't have no
20 money, so how are you going to have two positions
21 posted, new positions that are re-classified and
22 posted, with more money, but I'm let go because
23 there's a reduction in force, okay. Wow.

24 **Q. Let me bring you back to the EEOC charge**
25 **Exhibit No. 3.**

1 It also says that, "In early 2023, FSU
2 management began to isolate me both socially and
3 professionally."

4 A. Uh-huh.

5 Q. What do you -- can you explain that? What
6 are you saying here?

7 A. I'm saying that Sandra Williams and Jan-Jee
8 Wells would have meetings with the outside
9 contractor, Mr. Steve Honeycutt, prior to me having
10 a chance to meet him till months later, so when we
11 were finally on a Zoom conversation the other four
12 of us, I said, "Mr. Honeycutt, I am so glad that I'm
13 finally having a chance to meet you."

14 And he and -- he and I just laughed about
15 it. And but, yeah, that started raring of me not
16 being in these different meetings that also would
17 have some affect on my job as far as like new
18 systems coming into place and building new softwares
19 to help us more effectively, efficiently. And even
20 -- even the meetings with the provost office, the
21 same thing, that having meetings about positions and
22 funding but you're having these meetings with the
23 employees that handle positions but I'm right
24 downstairs in the budget office. You're my
25 supervisor, and I'm not being included in these

1 meetings until I say something and then you want to
2 include me.

3 Q. Were any other account technician employees
4 also not included in those meetings?

5 A. No, Jan-Jee had went up there a few times
6 with her to the provost office.

7 Q. Every time, did she go up --

8 A. No.

9 Q. -- there every time?

10 A. No, no, Not every time, no.

11 Q. So, she was left out of some meetings too?

12 A. Yeah.

13 MR. BUDD: Objection to form.

14 BY MR. LINDSLEY:

15 Q. Would it be fair to say that she didn't
16 attend all the meetings with the provost office?

17 A. Yes, because they didn't really have to do
18 with what she did in her position.

19 Q. You also say in the EEOC charge that you
20 were "frequently excluded from meetings that I had
21 previously attended."

22 What meetings did you previously attend
23 that you were at some point excluded from?

24 A. The year-end. Year-end closing. When you
25 have to close out the year from June 30th going into

1 the new fiscal year on July the 1st. We as a
2 business and budget office started having those
3 meetings maybe like in February, March, leading up
4 to the year-end close.

5 Q. So, when were you first excluded from this
6 year-end closing meeting?

7 A. This started I would say -- the exact date
8 I don't know, but I want to say maybe in February.

9 Q. Of what year?

10 A. 2023.

11 Q. Okay. And you -- had the department held
12 this year-end meeting in prior years?

13 A. Oh, yeah, yes.

14 Q. Were you at each of those meetings in prior
15 years?

16 A. Oh, yes.

17 Q. Were there any other meetings that you were
18 previously attending that you were excluded from?

19 A. No, sir.

20 Q. Why do you believe that you were excluded
21 from these meetings?

22 A. I don't know. That's a good question.

23 Q. You also say here -- I'm going down the
24 paragraph a little bit now. "In early April of
25 2023, I observed a listing for a nearly identical

1 position as my own."

2 A. Uh-huh.

3 Q. Would that be for the Budget Analyst 1 and
4 2?

5 A. That would be for the Budget Analyst 1.

6 Q. Budget Analyst 1?

7 A. Uh-huh.

8 Q. Would it be fair to say that the position
9 that you saw the listing for, Budget Analyst 1, was
10 not identical to the account technician position?

11 MR. BUDD: Objection to form.

12 A. No, it -- it is identical.

13 BY MR. LINDSLEY:

14 Q. Okay. Because here you say "nearly
15 identical," which I think a lot of folks would take
16 to mean that it was similar but not a hundred
17 percent identical. So is it your testimony here
18 that the position for the Budget Analyst 1 as it was
19 described in this posting was 100 percent identical
20 to the account technician position that you held?

21 MR. BUDD: Objection to form.

22 A. 95 percent. 95 percent.

23 BY MR. LINDSLEY:

24 Q. All right. So what was different in the
25 Budget Analyst 1 job description that was posted?

1 A. I would need to read through it.

2 Q. You also say further down, "During my
3 tenure at FSU, I have observed previous employees
4 get moved to other positions when they were nearing
5 their 20-year mark."

6 A. Uh-huh.

7 Q. Can you tell me who those other employees
8 are?

9 A. Harold McKeithan and Mr. Joe Austin. And
10 Mr. Joe Austin was actually his 19 years. He only
11 had one more year, one more year.

12 Q. And they were moved to different positions?

13 A. No, they were just rifted.

14 Q. Oh, okay, because you say here that they
15 were -- you saw them moved to different positions?

16 A. That would be --

17 Q. It's the sentence starting, "I have
18 observed previous employees get moved to other
19 positions when they were nearing their 20-year
20 mark." It's about two-thirds of the way down.

21 A. Oh, that -- that would be Charlene Allen.
22 That's when she moved from the Business Office to
23 the Controller's Office. And then Sandra Hughes was
24 moved from the Controller's Office to the Business
25 office.

1 Q. Okay. And those folks were nearing their
2 20-year mark?

3 A. Charlene Allen was, yes, sir.

4 Q. Were they moved because they were nearing
5 their 20-year mark or because there was some
6 conflict between them and their managers or
7 supervisors?

8 A. I believe it was both.

9 Q. Why do you believe that?

10 A. I don't know. It's just something I
11 would -- it's just a feeling. I can't explain it.

12 Q. Do you know any of the circumstances behind
13 whatever happened to Harold McKeithan and Joe
14 Austin?

15 A. So is it -- could you repeat that please?

16 Q. Sure. Sure. Let me break it up.
17 You mentioned Harold, the name
18 Harold McKeithan.

19 A. Uh-huh.

20 Q. What happened to Harold McKeithan?

21 A. He was just let go.

22 Q. Do you know why?

23 A. That was back in 2005?

24 Q. Uh-huh.

25 A. I don't know the specifics of that.

1 Q. And Joe Austin was the other person that
2 you mentioned?

3 A. Uh-huh.

4 Q. What happened to Joe Austin?

5 A. I don't know the details, but yeah.

6 Q. The details of what?

7 A. I don't know the details of why he actually
8 was let go.

9 Q. I see. Okay.

10 But do you know the reason why he was let
11 go?

12 A. No, I don't know --

13 Q. Don't know?

14 A. -- the reasoning of why he was let go.

15 Q. Further down it also says that "FSU offered
16 me a severance package below the state policy for a
17 reduction in force."

18 What is the state policy for a severance
19 package for reduction in force?

20 A. From my understanding it should be from
21 your years, your salary it should equate into -- it
22 should be at least -- I'd have to go back. This has
23 been a minute since I had went through this one
24 right here.

25 I have to go back and look at that, I'm

1 sorry.

2 Q. That's okay. You said that you recall that
3 the estimate for your severance pay that Kay or FSU
4 provided to you was about \$26,000 for three months,
5 correct?

6 A. Yes.

7 Q. And is it your belief that the severance
8 pay should have been a different amount than that
9 according to the policy?

10 A. Well, again, I would have to go back and
11 look at that, okay?

12 Q. You performed a calculation at some point
13 before today to determine what you thought you
14 should have received as a severance?

15 A. Yes, I would need to go back and look at
16 that, I'm sorry.

17 Q. It's okay. Is it your recollection that
18 whatever the calculation was it was more than the
19 \$26,000?

20 A. And again, I would need to go back and look
21 at that.

22 Q. Can you tell me -- you mentioned that --
23 the state policy for a reduction in force or a
24 severance package in relation to the state policy
25 for reduction in force, where would I go to find

1 that policy where I could find out how to calculate
2 the reduction in force severance?

3 A. There's a lot of information on the general
4 administration's website.

5 Q. Is that where you got the information to do
6 your calculation?

7 A. I believe it was either there or the HR
8 that's in Raleigh, yeah, it's at the main office of
9 HR in Raleigh.

10 Q. When did you make that calculation?

11 A. I -- well, I knew it was after the 30th of
12 April so I don't know exactly what date that was.

13 Q. All right.

14 The last sentence in this document number
15 three, Exhibit No. 3 says that, "FSU's refusal to
16 follow state policy is further evidence of
17 discriminatory treatment toward myself."

18 What state policy did FSU refuse to follow?

19 A. From my understanding if there is a
20 position that is vacant that, that they're taking
21 you out of you should be moved into.

22 Q. You're referring to the state policy for
23 reduction in force?

24 A. Yes.

25 Q. And it's your understanding that if your

1 position is subject to a reduction in force action
2 if there's any other position available you are to
3 be moved into that position?

4 A. Yes.

5 Q. And it doesn't matter whether it matches a
6 title of your position or duties of your position,
7 whatever it is, you're supposed to be moved into it?

8 A. Yes, because that has been done in the
9 past.

10 Q. Has it been done in the past without the
11 employee going through an application process?

12 A. Yes.

13 Q. I think we talked about the individuals --

14 A. Yes.

15 Q. -- you recall that that applied to.

16 Okay.

17 MR. LINDSLEY: Should we take another quick
18 break or are you okay?

19 MR. BUDD: Yeah, I think a break would be
20 good.

21 MR. LINDSLEY: Okay. Let's do that.

22 (Recess was taken from 12:37 p.m. 12:52
23 p.m.)

24 BY MR. LINDSLEY:

25 Q. Ms. Bernard, we're back on the record and I

1 have a few more questions for you, I think I might
2 be getting close to finishing. I don't want to over
3 promise, but we might be getting there.

4 A. Okay.

5 Q. But let me pick up here.

6 What, if anything, are you aware of that
7 Sandra Williams did to try to keep your employment
8 current through this RIF process?

9 A. Can you rephrase that?

10 Q. Sure. Yeah, of course.

11 Are you aware of any effort that Sandra
12 made to try to not let you go in this process of
13 changing from account technicians to budget
14 analysts?

15 A. Did she do anything to help me?

16 Q. Yeah.

17 A. No.

18 Q. You're not aware of any effort that she
19 made to try to strike through things so that you
20 wouldn't be subject to the RIF?

21 A. No.

22 Q. Are you aware of any employees younger than
23 you that have been hired into the budget office
24 since April 30th of 2023?

25 A. Yes.

1 **Q. Who?**

2 A. I don't know her name --

3 **Q. What --**

4 A. -- offhand.

5 **Q. Okay. And what -- what position was she --**
6 **did she assume in the budget office?**

7 A. She assumed the admin support specialist
8 position that was posted prior to me being rifted.

9 **Q. Do you know when she was hired?**

10 A. She was hired I think sometime in April
11 and -- April.

12 **Q. All right. And so you were still employed**
13 **during April, correct?**

14 A. Yes.

15 **Q. So did your time overlap with hers a little**
16 **bit?**

17 A. Well, she was -- she was an admin. She was
18 hired as an admin.

19 **Q. Okay. But she was in the budget office?**

20 A. Right. I was not in the office in April.
21 I was told on March the 31st when I received this
22 letter that I would be tele-working from home for
23 the month of April. And Kay Faircloth said, she's
24 going to need a laptop if she's going to be
25 tele-working from home for the month of April.

1 And Sandra said no, she doesn't need a
2 laptop, she can use the one from IT, she don't need
3 that the docking station and laptop.

4 But she knows that we had to turn those
5 laptops in when COVID was over back in 2020, well,
6 2021, whatever it was. So I had to take the docking
7 station laptop home with me in order to tele-work
8 from home.

9 And when I went to log on that month --
10 that Monday I think it was like the 4th of April,
11 3rd, 4th, I logged on and I said, I can't get into
12 banner, I have no access to people admin, so how am
13 I going to be tele-working from home doing my job?

14 So I e-mailed Sandra, and she told me
15 you're no longer responsible for those duties, you
16 can do per our conversation, job searching. So I
17 didn't tele-work from home because I didn't have
18 access to anything.

19 **Q. When was the admin specialist support**
20 **specialist position posted?**

21 A. It was posted prior to me being rifted.
22 That was posted in March and I asked Kay and Sandra
23 could I move into that position, because you're
24 rifting a position so you're saying you don't have
25 no money you let me go. Of course you're doing

1 restructuring but you have a position that's posted
2 can you just move me in that position.

3 And she indicated you can apply for it but
4 I'm not going to be on the committee.

5 Q. What do you mean -- she wasn't going to be
6 on the hiring committee?

7 A. Right.

8 Q. That was -- that was Kay?

9 A. No, that was Sandra.

10 Q. That was Sandra, I'm sorry.

11 A. Yes, sir.

12 Q. Okay. You didn't apply for it, though,
13 right?

14 A. No.

15 Q. And how were you aware that the person who
16 was hired into the admin support specialist position
17 is younger than you?

18 A. I was on LinkedIn and I came across
19 somebody that worked at Fayetteville State, and I
20 was like, this person is new. I said, okay. But
21 she wasn't in the position that she was hired for.

22 After April the 30th, my last day, those
23 positions Budget Analyst 1, Budget Analyst 2 were
24 approved and they were posted.

25 Once Fayetteville State got wind of me

1 seeking an attorney they -- they took the postings
2 down. They went up and they went down very fast,
3 and the young lady that was hired as the admin went
4 in to the Budget Analyst 1 position.

5 Q. Okay. And so how did you know that she was
6 younger than you?

7 A. Because when I looked on LinkedIn just by
8 the eyes of looking I can tell that she was younger
9 than me.

10 Q. Okay. Her date of birth wasn't part of the
11 LinkedIn profile?

12 A. No.

13 So after that they had to repost the
14 position for the admin because she had already moved
15 that person into the Budget Analyst 1 position.

16 Q. So when you say "they had" you're talking
17 about FSU of course?

18 A. Yes.

19 Q. They had moved this person who was in the
20 admin specialist, support specialist position --

21 A. Yes.

22 Q. -- to the Budget Analyst 1 --

23 A. 1.

24 Q. -- position?

25 A. That position that mirrors -- mirrors the

1 position that I was in.

2 Q. Okay. And when you say "they moved her," I
3 take it to mean, and tell me if I'm wrong, that they
4 just took her out of this employment position and
5 put her in this employment position without her
6 having to go through any application or review
7 process?

8 A. I'm not sure if they did the application or
9 review process because things happen the way that
10 they happen. But she did move from -- well, she
11 went from admin to the Budget Analyst 1 position.

12 Q. But you don't know whether she had to apply
13 for that position to go through an interview
14 process?

15 A. I don't know, yeah.

16 Q. Are you aware of any other employees that
17 you believe are younger than you that were hired
18 into the budget analyst positions?

19 A. Yes, there was a young lady that was
20 working in the budget office -- the business office,
21 Chandra. Chandra. Chandra McNeil, I believe her
22 name is. She was hired into the Budget Analyst 2
23 position.

24 Q. How are you aware of that?

25 A. Just going to the website.

1 Q. The FSU --

2 A. Yes, sir.

3 Q. -- budget office website?

4 A. The faculty -- the -- the campus directory.

5 Q. Okay. All right.

6 And you believe that she's younger than
7 you?

8 A. Yeah, I believe that she's younger than me.

9 Q. Why -- why do you believe that?

10 A. I just believe that she is.

11 Q. Do you know her date of birth?

12 A. No.

13 Q. Do you know her employment history?

14 A. She started in the business office. She
15 was there I think for maybe like two, maybe two or
16 three years.

17 Q. All right. The Budget Analyst 1 position
18 was that -- did that position have higher pay than
19 the --

20 MR. BUDD: Accounting technician.

21 Q. Accounting --

22 MR. LINDSLEY: Thank you.

23 A. Yes.

24 BY MR. LINDSLEY:

25 Q. What was the difference in the salary?

1 A. The difference of 7,500, roughly.

2 Q. Did that new -- did the new Budget Analyst
3 1 position have attached to it any additional
4 benefits, aside from salary increase, that the prior
5 position didn't have?

6 A. No. It's still your same benefits, your
7 medical and vision and all of that, yeah.

8 Q. Yeah. Any other --

9 A. Your standard.

10 Q. Right. So any other privilege or
11 compensation of any kind that the budget analyst
12 position offered that the accounting technician did
13 not?

14 A. No. The only thing that was different is
15 the salary, that's it. Yeah, the salary.

16 Q. One of the things you've asked for in this
17 lawsuit is for reinstatement. Do you still want
18 reinstatement as a state employee?

19 A. Yes.

20 Q. Do you still want it at FSU?

21 A. Yes.

22 Q. I need to return to a subject that we
23 talked about earlier, and I apologize it seems like
24 it's sort of an uncomfortable topic.

25 But your position at DSS, you left there on

1 mutual terms you said or mutual agreement?

2 A. Yeah. Well, my supervisor and I didn't see
3 eye to eye there, yeah.

4 Q. Okay. What was it that you weren't seeing
5 eye to eye about?

6 A. Just the -- just in general as far as me
7 being hired for something else and then they throw
8 on the foster care and these adults coming in, yeah.

9 Q. Okay. So you had had some conversation
10 with your supervisor about not being happy with the
11 work that you were doing because it's not what was
12 described in the job --

13 A. Yes, sir.

14 Q. -- description, fair?

15 A. Fair.

16 Q. Okay. And so ultimately that led to your
17 leaving that position, but were you under a threat
18 of being fired and were offered an opportunity to
19 resign instead or you just --

20 A. No, that wasn't it.

21 Q. No?

22 A. As far as I understand.

23 Q. So as far as a mutual decision why would
24 your supervisor have to agree to your quitting that
25 job?

1 A. You're right. She didn't have to.

2 Q. So it was really just your decision, is
3 that fair?

4 A. Yeah, that's pretty tear.

5 Q. Okay. All right.

6 A. Well, yeah, that's pretty -- I just --
7 yeah.

8 Q. I think I'm probably finished, but I do
9 need a couple of minutes just to review my notes and
10 make sure that I haven't forgotten something that I
11 meant to ask you, okay?

12 A. Okay.

13 Q. So why don't we take another five minutes,
14 just a quick one.

15 (Recess was taken from 1:07 p.m. to 1:14
16 p.m.)

17 MR. LINDSLEY: I don't have any further
18 questions for you, ma'am.

19 Thank you for your time, I appreciate it.

20 MR. BUDD: I do have one brief question.

21 EXAMINATION

22 BY MR. BUDD:

23 Q. Ms. Bernard, I think there was some
24 confusion earlier about your departure from DSS,
25 could you just clarify for the sake of the record,

1 were you dischar- -- were you terminated from that
2 position or did you resign from that position?

3 A. I was discharged on my grounds. I was
4 going to leave anyway.

5 Q. And so and the conversation with your
6 supervisor did you make it clear that you were
7 leaving anyway regardless of whether or not she had
8 changed your mind?

9 A. Yes.

10 Q. Okay.

11 MR. BUDD: No further questions.

12 MR. LINDSLEY: I don't have anything
13 further. Thank you.

14 THE COURT REPORTER: Are there any
15 transcript orders for today?

16 MR. LINDSLEY: Yes.

17 MR. BUDD: Do you want it on the record?

18 THE COURT REPORTER: Yes.

19 MR. BUDD: Etran for me please.

20 (Deposition concluded at 1:15 p.m.)

21 (Signature reserved)

22

23

24

25

1 STATE OF NORTH CAROLINA

2 COUNTY OF WAKE

3

4 REPORTER'S CERTIFICATE

5

6 I, Diane Pressley, Court Reporter and Notary Public,
7 do hereby certify that the above-named witness was
8 duly sworn by me prior to the taking of the
9 foregoing deposition; and that said deposition was
10 taken and transcribed under my supervision, to the
11 best of my ability; and that the foregoing pages,
12 inclusive, constitute a true and accurate
13 transcription of the testimony of the witness.

14 I do further certify that the persons were present
15 as stated in the caption.

16 I do further certify that I am not of counsel for or
17 in the employment of any of the parties to this
18 action, nor am I interested in the results of this
19 action.

20

21

22

23

24

25



DIANE PRESSLEY

Notary Public #201019500159

LISA BERNARD vs FAYETTEVILLE STATE UNIVERSITY

Lisa Bernard on 02/27/2025

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